

Certificate of Mailing or Transmission	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Signature: <i>Kathleen A. Nimrichter</i>	
Date: September 30, 2010	Name: Kathleen A. Nimrichter

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S) : Jouko Savolainen

FOR : **METHOD FOR STRENGTHENING A  
PROTEIN-CONTAINING PRODUCT  
AND A PROTEIN-CONTAINING  
PRODUCT**

SERIAL NO. : 10/575,156

FILED : April 6, 2006

EXAMINER : Hamid R. Badr

ART UNIT : 1794

CONFIRMATION NO. : 6845

ATTORNEY DOCKET NO. : **LOYZ 200004US01**

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S., ABANDONED UNINTENTIONALLY -- UNDER 37 CFR 1.137 (b)**

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application has become abandoned because the submission required by 37 C.F.R. 1.114(c) was not filed together with the Request for Continued Examination prior to the expiration of the statutory six month time period for

filing a response to the pending Office Action. Enclosed is a copy of the Notice. The date of abandonment was the day after the September 15, 2010 date, as extended by the three month extension of time request, on which the 35 C.F.R. 1.114(c) requirements were due.

Applicant hereby petitions for a revival of this application.

To that end, enclosed herewith please find a petition fee and the necessary documents to satisfy 37 C.F.R. 1.114(c), in this case an Information Disclosure Statement.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,

FAY SHARPE LLP

30 Sept 2010  
Date

Jay F. Moldovanyi  
Jay F. Moldovanyi  
Reg. No. 29,678  
1228 Euclid Ave 5th Flr  
Cleveland, Ohio 44115  
(216) 363-9000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

27885 e 09/17/2010


FAY SHARPE LLP  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland, OH 44115

RECEIVED

SEP 21 2010

FAY SHARPE LLP

Paper No.

Application No.:	10/575,156	Date Mailed:	09/17/2010
			
First Named Inventor:	Savolainen, Jouku,	Examiner:	BADR, HAMID R
Attorney Docket No.:	LOYZ 200004US01	Art Unit:	1781
Confirmation No.:	6845	Filing Date:	04/06/2006

Please find attached an Office communication concerning this application or proceeding.

DOCKETED

Commissioner for Patents

<b>NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)</b>	<b>Application No.</b> 10/575,156	<b>Applicant(s)</b> SAVOLAINEN, JOUKU	
		<b>Art Unit</b> 1794	<b>Date Mailed:</b>

The request for continued examination (RCE) under 37 CFR 1.114 filed on 14 September, 2010 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

***A copy of this Notice MUST be returned with the reply.***

Direct any questions concerning this notice to

/phyllis canty/, Technology Center 1700

Telephone Number: 571-272-0996